

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 9-15-03

AGENDA SECTION:
PUBLIC HEARINGSORIGINATING DEPT:
PLANNING

ITEM NO.

E-5

ITEM DESCRIPTION: General Development Plan #214 by Frank Kottschade to be known as Willow Creek Commons. The applicant is proposing to develop approximately 69 acres of land with a variety of land uses consisting of commercial and industrial uses. The property is located along the south side of 40th Street and along the west side of TH 63.

PREPARED BY:
Brent Svenby,
Planner

September 9, 2003

City Planning and Zoning Commission Recommendation:

On August 27, 2003 the City Planning and Zoning Commission reviewed this General Development Plan.

The applicant's representative, Mr. John Dietrich, of RLK Kuusisto, addressed the Commission. He stated that the applicant is in agreement with the 12 staff-recommended conditions.

The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.

Mr. Qhly made a motion to recommend approval of General Development Plan #214 to be known as Willow Creek Commons with the staff-recommended findings and conditions. Mr. Dockter seconded the motion. The motion carried 8-0.

Conditions:

1. The General Development Plan shall be revised as follows, and a revised Plan shall be filed with the Planning Department:
 - ❖ Stormwater Management facilities must be shown and platted as outlots when platted.
 - ❖ The "Alternate Drive" indicated at the south end of the Property should intersect perpendicular with the frontage road.
2. Prior to Final Plat submittal, Site Development Plan approval, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure.
3. Stormwater Management facilities must be shown on the GDP. The MnDOT stormwater pond proposed for the southwest quadrant of T.H. 63 & 40th St SW has not been sized to accommodate post development stormwater flows from this Property. The development proposed will need to comply with City Land Development Standards for managing post development stormwater runoff quantities and quality. Any privately constructed detention facilities that serve less than 50 developable acres shall remain private, be platted on a separate Outlot(s), and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval / and or development of the Property.
4. At the time of platting, controlled access will need to be dedicated along TH 63, 40th St. SW and the frontage road, except for the street/driveway openings approved with the plat(s). Prior to the submittal of the preliminary plat, the amount of right-of-way needed for the frontage road will need to be determined by the City Engineer.
5. Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property. Interim measures may need to be completed to manage access traffic during the period prior to the construction of the 40th Street interchange based on additional traffic review.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

September 9, 2003

6. Construction of a temporary turnaround, and dedication of a temporary easement will be required at the southerly extent of the proposed frontage road, unless development of this Property occurs concurrent or after development of the property to the south (West 80 Development).
7. All direct access to all lots within this development shall be from the proposed frontage road, or other internal roadways constructed to serve this development. The driveway spacing for access to the frontage road is subject to approval by the City Engineer based on the proposed use of individual lots and the functional classification of the frontage road as a collector roadway. There shall be no direct access to T.H. 63. Access to 40th St SW shall be limited to the public frontage road
8. Pedestrian facilities will be required along the entire westerly frontage of the proposed frontage road and those portions along the east side of the frontage road with developable frontage, the entire frontage of 40th St SW, and both sides of all new public streets constructed within the development.
9. Traffic design analysis may be required at the time site development to determine lane needs, spacing and traffic control for access points.
10. Watermain extension and connections must be provided as required by RPU.
11. Development of the property in floodway and flood prone districts is subjected to the regulations of Section 62.800 (Flood District and Intent) of the Land Development Manual. The property is also subject to the shoreland regulations of Section 62.1000.
12. The portion of the GDP shown on the West 80 Development is subject to the applicant acquiring that property.

Planning Staff Recommendation:

See attached staff report August 22, 2003.

Council Action Needed:

1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.
2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval.

Attachments:

1. Staff Report August 22, 2003
2. Minutes of the August 27, 2003 CPZC Meeting

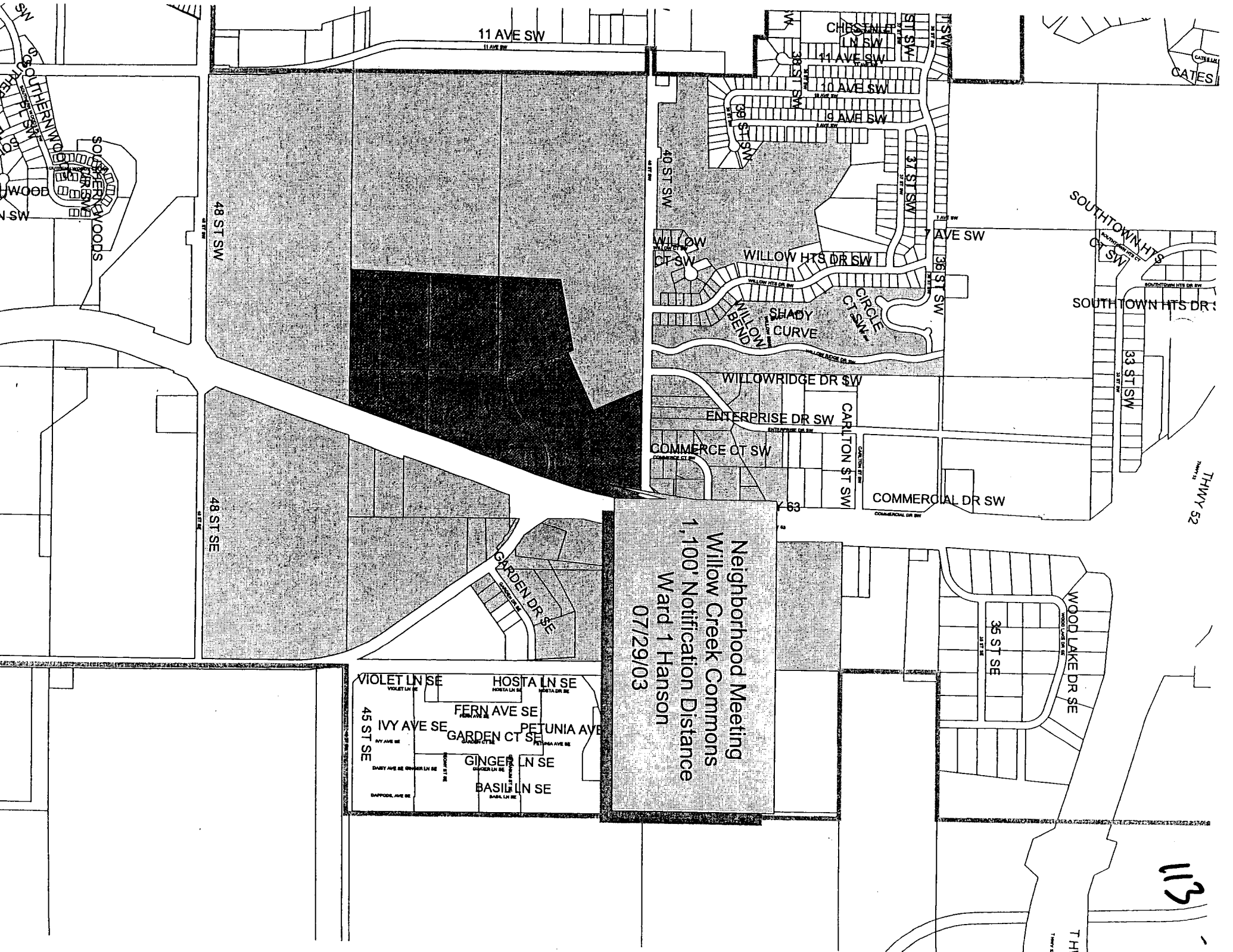
Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, September 15, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.
5. RLK Kuusisto

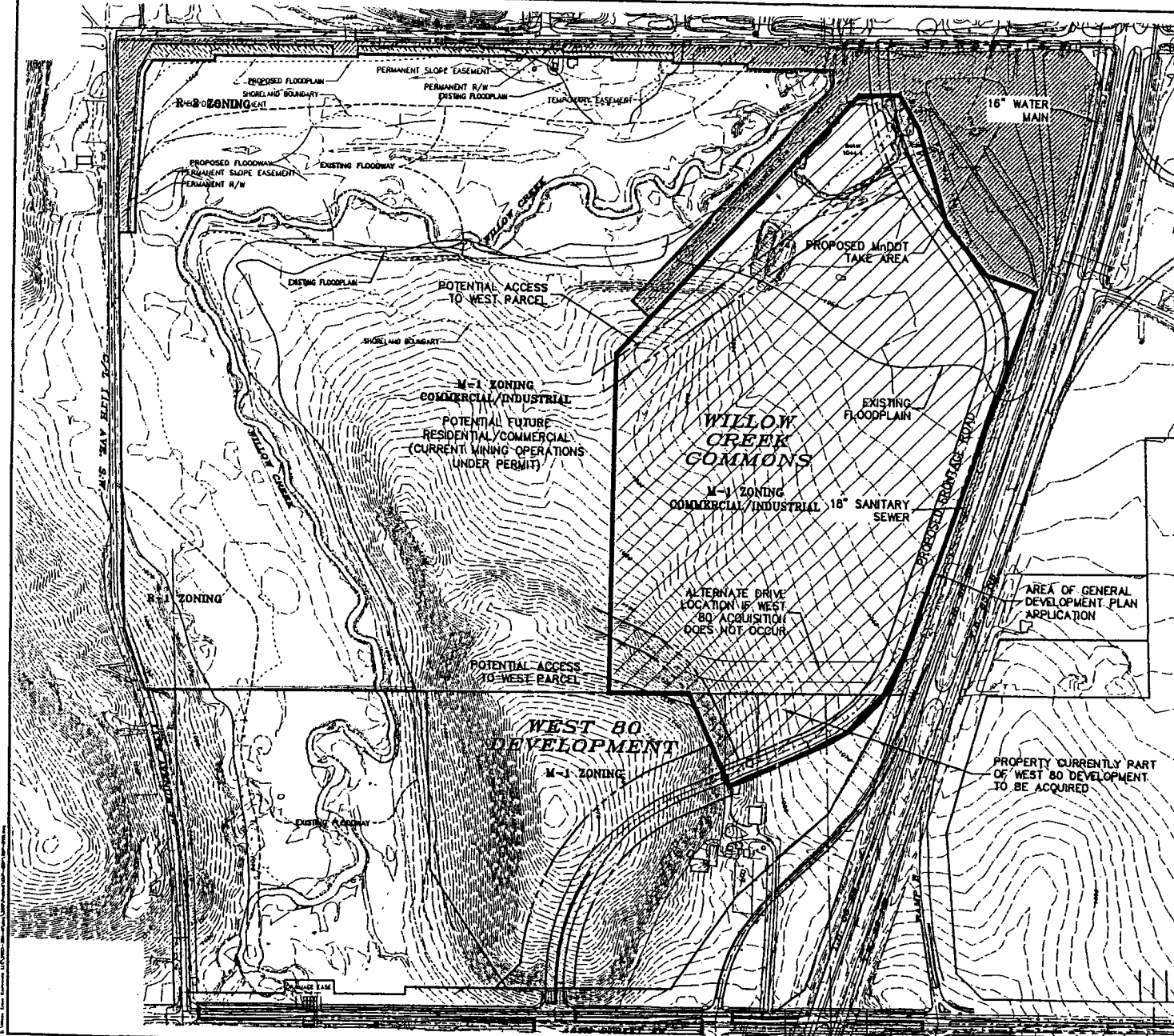


THWY 52

113



Neighborhood Meeting
Willow Creek Commons
1,100' Notification Distance
Ward 1 Hanson
07/29/03



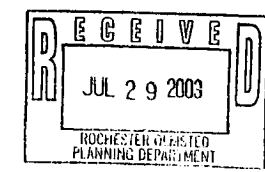
Call 48 Hours before digging
GOPHER STATE ONE CALL
 Twin Cities Area 851-454-0002
 MN. Toll Free 1-800-252-1188

NOTES

DEVELOPMENT DENSITY, INTENSITY, AND LAND USE WILL BE PLANNED IN ACCORDANCE WITH THE CITY OF ROCHESTER ZONING ORDINANCE.

THE PROPOSED FRONTAGE ROAD IS DESIGNATED A CITY COLLECTOR.

GDP PROJECT AREA = ±69.0 ACRES



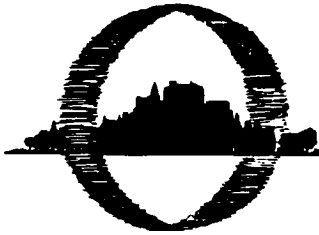
11/4

RLK-Korek, LTD.

1110 West Circle Dr. Suite 1100, Minneapolis, MN 55405

Project: Willow Creek Commons
 Date: 7/24/03
 Drawn: J. Jackson
 Checked: J. Jackson
 Title: GENERAL DEVELOPMENT PLAN

DATE: 7/24/03
 LIC. NO. 20754



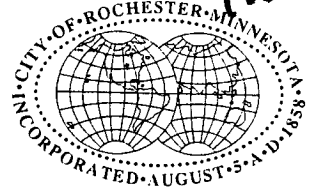
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: August 22, 2003

RE: General Development Plan #214 to be known as Willow Creek Commons

Planning Department Review:

Petitioner: Frank Kottschade
3800 Highway 52 North
Rochester, MN 55901

Consultant: RLK Kuusisto Ltd.
Attn: Michele Caron
6110 Blue Circle Drive, Suite 100
Minnetonka, MN 55343

Location of Property: The property is located along the south side of 40th Street SW and along the west side of T.H. 63.

Proposed Use: The General Development Plan includes approximately 69 acres of land. The GDP identifies the property being developed with uses permitted in the M-1 zoning district. The plan also shows a frontage road along the easterly portion of the property.

Land Use Plan: The Rochester Urban Service Area Land Use Plan designates this property as suitable for "industrial" types of development.

Zoning: The property is currently zoned M-1 (Mixed Commercial - Industrial).

Streets: The GDP proposes to take access from 40th Street SW. According to MnDOT Right-of-Way Plat #55-44 there is an access opening at the location where the frontage road is shown connecting to 40th Street SW. The plan identifies a north/south collector roadway through the property, which is consistent with the Currently Valid Thoroughfare plan. This collector roadway would connect 40th St. SW to 48th St. SW



All direct access to all lots within this development shall be from the proposed frontage road, or other internal roadways constructed to serve this development. The driveway spacing for access to the frontage road is subject to approval by the City Engineer based on the proposed use of individual lots and the functional classification of the frontage road as a collector roadway. There will be no direct access to T.H. 63.

Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property.

The "Alternate Drive" indicated at the south end of the property should intersect perpendicular with the frontage road.

Sidewalks:

Pedestrian facilities will be required along the entire westerly frontage of the proposed frontage road and those portions along the east side of the frontage road with developable frontage, the entire frontage of 40th St SW, and both sides of all new public streets constructed within the development.

Drainage:

The site ranges in elevation from 1136' in the southwest corner of the site to 1050' in the northern portion of the site. The preliminary grading submitted for the site indicates that the grading work done on the property will be a balance of cut and fill work.

According to the applicant, on-site storm drainage design for the project is anticipated to be typical of commercial/industrial sites. The drainage concept includes routing the surface runoff into one or a number of storm water ponds.

The MnDOT stormwater pond proposed for the southwest quadrant of T.H. 63 & 40th St SW (just to the northeast of the area included in the GDP) has not been sized to accommodate post development stormwater flows from this Property. Stormwater Management facilities must be shown on the GDP. The development proposed will need to comply with City Land Development Standards for managing post development stormwater runoff quantities and quality. Any privately constructed detention facilities that serve less than 50 developable acres shall remain private, be platted on a separate Outlot(s), and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval / and or development of the Property.

Detailed grading and drainage plans will be required

117

prior to development.

Wetlands:

Two small wetland areas exist on the property included within the GDP boundary. A wetland related application has been approved by the City that allows for the filling of the wetlands.

Floodplain:

Currently MnDOT has received a CLOMR (Conditional Letter of Map Revision) from FEMA to amend the floodway and flood plain boundaries in the area as a result of the proposed T.H. 63 project. Final approval of the LMOR will not be considered by FEMA until all construction is completed and the necessary information is submitted. The floodway and floodplain shown on the plan would move as a result of a LMOR. The floodway moves to the north/west side of the dike and the floodplain (100 year flood) to the area around the detention pond in the southwest corner of the interchange. Flood district regulations will apply to property until such time that FEMA approves the LMOR, which affects this property.

Public Utilities:

Public utilities are available to serve the development. The area below elevation 1080 is within the Main Level Water System Area, which is currently available along the west side of Hwy 63 along the north end of this property. This water main however must be relocated to the west around the proposed pond as a part of the 40th Street interchange. The proposed frontage road as shown would be the ideal place for the relocated water main as it would be then available to provide direct service to this property. Coordination on the alignment of this water main relocation between the RPU and developer is needed.

The area that will remain above elevation 1080 is within the Airport Intermediate Level Water System Area, which will be made available to this property with the development of the West 80 property to the south. Coordination with West 80 and final grade determination on the westerly property is crucial to provide adequate service to this area for fire protection and water quality.

Static water pressures within the Main Level Area at elevation 1080 will range from 37 to 41 PSI. Static water pressures within the Intermediate Level Area at elevation 1080 will be approximately 87 PSI.

The water main in any cul-de-sac street must be looped and water mains must be extended to adjacent properties per our requirements.

Parkland Dedication:

Since this is a commercial/industrial development there is no parkland dedication requirements.

Environmental Review:

The initial development proposed does not trigger a mandatory Environmental Assessment Worksheet. When additional land is proposed for development, a total of 80 acres or more, or the amount of square feet of commercial/industrial building area trigger an EAW the applicant will be required to complete one at that time.

Referral Comments:

1. Planning Dept. Transportation Division
2. Planning Dept. Addressing
3. John Harford, Planning Department LGU
4. Rochester Public Works
5. Olmsted County Environmental Services
6. RPU Water Division
7. Rochester Fire Department
8. Olmsted County SWCD
9. MnDOT
10. RPU Operations Division

Report Attachments:

1. Copy of General Development Plan
2. Proposed General Development Plan Narrative
3. Referral Comments (7)

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan (see attached section from the newly adopted regulations, which became effective May 15, 1999).

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

This property is zoned M-1 (Mixed Commercial-Industrial). The GDP proposes commercial/industrial development in the M-1 district, consistent with the current zoning. Existing 100-yr floodplain and Floodway boundaries exist on the property, and are identified.

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

The development of a highway improvement project to upgrade TH 63 to a freeway facility from TH 52 south past 48th St. SW has been in the planning and design stages since 1994. In 1995 the TH 63 South Corridor Study was completed which reaffirmed the historic Thoroughfare Plan designation of TH 63 as a freeway, and identified the need for two interchanges at 40th and 48th Streets in order to provide adequate capacity to provide for local access to/from TH 63 from what was expected to be a significant area of commercial/industrial zoning. In fact much of the area has now been zoned

119

for these uses, including the lands to the south of the site as well as the area east between TH 63 and St. Bridget's Road.

In 1998 MnDOT, the City of Rochester and Olmsted County agreed to begin the next phase of project development activities that would lead to the eventual construction of the planned interchanges by undertaking the TH 63 Preliminary Design and Environmental Assessment project. The construction project for the 48th Street interchange was recently awarded. Construction on that interchange should begin soon. It is anticipated that construction on the 40th Street interchange would begin next year.

The Preliminary Design and Environmental Assessment project has evaluated capacity needs, interchange and roadway design options, and a range of social, environmental and economic impacts. A preferred design has been identified which includes a diamond interchange at the intersection of 40th St. and TH 63. As part of the design process the following access and cross section design features affecting the property under consideration are included in the preferred design alternative:

- One access along the 40th St. SW frontage, at this location, which is intended to serve as the location for a public collector street that will extend between 40th and 48th St. on the west side of TH 63. No individual lot access will be accommodated off of 40th St.*
- The plan indicates the necessary right of way for the off-ramp as well as right of way needs along 40th St. SW. Additionally, sidewalk will be provided along the south side of the corridor and a trail facility along the north side of the corridor.*

Staff would note that in terms of the proposed collector street (Commercial Drive) the element that has been fixed as part of the TH 63 design process is the location of the intersection with 40th and 48th St. The actual alignment of the road north of 48th St. could be varied if there was agreement between the abutting owners for an alternative location for the road.

Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

This GDP does not include a residential component.

Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

See response to Criteria "B" above. Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property.

Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

See response to Criteria "B" above. Prior to the submittal of the preliminary plat, the amount of right-of-way needed for the frontage road will need to be determined by the City Engineer.

All direct access to all lots within this development shall be from the proposed frontage road, or other internal roadways constructed to serve this development. The driveway spacing for access to the frontage road is subject to approval by the City Engineer based on the proposed use of individual lots and the functional classification of the frontage road as a collector roadway. There will be no direct access to T.H. 63.

Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property. Interim measures may need to be completed to manage access traffic during the period prior to the construction of the 40th Street interchange based on additional traffic review.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Sanitary sewer is located along TH 63 at the east side of this property. Watermain is also available along TH 63 along the north end of this property. This water main however must be relocated to the west around the proposed pond as a part of the 40th Street interchange. The proposed frontage road as shown would be the ideal place for the relocated water main as it would be then available to provide direct service to this property. The alignment of this water main relocation will need to be coordinated with RPU Water Division.

The area that will remain above elevation 1080 is within the Airport Intermediate Level Water System Area, which will be made available to this

121

property with the development of the West 80 property to the south. Coordination with West 80 and final grade determination on the westerly property is crucial to provide adequate service to this area for fire protection and water quality.

Static water pressures within the Main Level Area at elevation 1080 will range from 37 to 41 PSI. Static water pressures within the Intermediate Level Area at elevation 1080 will be approximately 87 PSI.

The water main in any cul-de-sac street must be looped and water mains must be extended to adjacent properties per our requirements.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

Pedestrian facilities will be required along the entire westerly frontage of the proposed frontage road and those portions along the east side of the frontage road with developable frontage, the entire frontage of 40th St SW, and both sides of all new public streets constructed within the development.

This development may need to be phased to limit the amount of traffic generated prior to completion of the planned improvements. Interim measures may need to be completed to manage access traffic during the period prior to the construction of the 40th Street interchange based on additional traffic review.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

Stormwater Management facilities must be shown on the GDP. The MnDOT stormwater pond proposed for the southwest quadrant of T.H. 63 & 40th St SW has not been sized to accommodate post development stormwater flows from this Property. The development proposed will need to comply with City Land Development Standards for managing post development stormwater runoff quantities and quality. Any privately constructed detention facilities that serve less than 50 developable acres shall remain private, be platted on a separate Outlot(s), and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval / and or development of the Property

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

The roadway, lot and block layout are generally in accord with the Rochester Zoning Ordinance and Land Development Manual.

A Development Agreement will need to be executed by the developer/applicant that outlines obligations for on and off site improvements, phasing and timing among other things. This property will need to be platted prior to development. The Development Agreement must be executed for the whole property prior to submittal of the first final plat for this GDP.

Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property.

Recommendation:

If the Commission and Council wish to proceed with this application, Staff recommends the following conditions or modifications to assure compliance with the Rochester Zoning Ordinance and Land Development Manual and applicable criteria:

- 1. The General Development Plan shall be revised as follows, and a revised Plan shall be filed with the Planning Department:
 - ❖ *Stormwater Management facilities must be shown and platted as outlots when platted.*
 - ❖ *The "Alternate Drive" indicated at the south end of the Property should intersect perpendicular with the frontage road.**
- 2. Prior to Final Plat submittal, Site Development Plan approval, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure.*
- 3. Stormwater Management facilities must be shown on the GDP. The MnDOT stormwater pond proposed for the southwest quadrant of T.H. 63 & 40th St SW has not been sized to accommodate post development stormwater flows from this Property. The development proposed will need to comply with City Land Development Standards for managing post development stormwater runoff quantities and quality. Any privately constructed detention facilities that serve less than 50 developable acres shall remain private, be platted on a separate Outlot(s), and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval / and or development of the Property.*
- 4. At the time of platting, controlled access will need to be dedicated along TH 63, 40th St. SW and the frontage road, except for the street/driveway openings approved with the plat(s). Prior to the submittal of the preliminary plat, the amount of right-of-way needed for the frontage road will need to be determined by the City Engineer.*
- 5. Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property. Interim measures may need to be completed to manage access traffic during the period prior to the construction of the 40th Street interchange based on additional traffic review.*

123

6. *Construction of a temporary turnaround, and dedication of a temporary easement will be required at the southerly extent of the proposed frontage road, unless development of this Property occurs concurrent or after development of the property to the south (West 80 Development).*
7. *All direct access to all lots within this development shall be from the proposed frontage road, or other internal roadways constructed to serve this development. The driveway spacing for access to the frontage road is subject to approval by the City Engineer based on the proposed use of individual lots and the functional classification of the frontage road as a collector roadway. There shall be no direct access to T.H. 63. Access to 40th St SW shall be limited to the public frontage road*
8. *Pedestrian facilities will be required along the entire westerly frontage of the proposed frontage road and those portions along the east side of the frontage road with developable frontage, the entire frontage of 40th St SW, and both sides of all new public streets constructed within the development.*
9. *Traffic design analysis may be required at the time site development to determine lane needs, spacing and traffic control for access points.*
10. *Watermain extension and connections must be provided as required by RPU.*
11. *Development of the property in floodway and flood prone districts is subjected to the regulations of Section 62.800 (Flood District and Intent) of the Land Development Manual. The property is also subject to the shoreland regulations of Section 62.1000.*
12. *The portion of the GDP shown on the West 80 Development is subject to the applicant acquiring that property.*

Criteria for Approval of a General Development Plan

In approving a General Development Plan, the Council shall make each of the following findings:

- A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.
- B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.
- C. The mix of housing is consistent with adopted Land Use and Housing Plans.
- D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.
- E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.
 - 1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.
 - 2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.
 - 3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.
- F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land

125

subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

- G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

124

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/18/03

The Department of Public Works has reviewed the application for General Development Plan #214, for the proposed Willow Creek Commons development. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, Site Development Plan approval, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to development of this Property, and / or final plat submittal.
3. The MnDOT stormwater pond proposed for the southwest quadrant of T.H. 63 & 40th St SW has not been sized to accommodate post development stormwater flows from this Property (see page 2 & table 1 of the 10/9/02 Kalmes letter to the DNR in the CLOMR Application). Stormwater Management facilities must be shown on the GDP. The development proposed will need to comply with City Land Development Standards for managing post development stormwater runoff quantities and quality. Any privately constructed detention facilities that serve less than 50 developable acres shall remain private, be platted on a separate Outlot(s), and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval / and or development of the Property.
4. All direct access to all lots within this development shall be from the proposed frontage road, or other internal roadways constructed to serve this development. The driveway spacing for access to the frontage road is subject to approval by the City Engineer based on the proposed use of individual lots and the functional classification of the frontage road as a collector roadway. There shall be no direct access to T.H. 63. Access to 40th St SW shall be limited to the public frontage road.
5. Pedestrian facilities will be required along the entire westerly frontage of the proposed frontage road and those portions along the east side of the frontage road with developable frontage, the entire frontage of 40th St SW, and both sides of all new public streets constructed within the development.
6. Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property.

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

127 -
DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

7. Construction of a temporary turnaround, and dedication of a temporary easement will be required at the southerly extent of the proposed frontage road, unless development of this Property occurs concurrent or after development of the property to the south (West 80 Development).
8. The “Alternate Drive” indicated at the south end of the Property should intersect perpendicular with the frontage road.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include, but are not limited to:

- ❖ Sewer Availability Charge (SAC) – TBD, for that portion of the Property that has not previously paid a SAC charge for the 7201 Trunkline Sanitary Sewer Project.
- ❖ Water Availability Charge (WAC).
- ❖ Transportation Improvement District (TID) - TBD
- ❖ Storm Water Management – TBD, for any areas where on-site detention can not be provided.
- ❖ Seal Coat charge for all new public streets within the development
- ❖ Street Signs as determined by the City Engineer

128

TRANSPORTATION STAFF
DEVELOPMENT APPLICATIONS REVIEW DATABASE - 2003

Jurisdiction	Application	Comments
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AUGUST 2003

City	FP # 03-27 by Edward Becker or Dooley's Subdivision	<ul style="list-style-type: none"> The property is located along the south side of TH 14, north of Eastgate Drive SE. There are some safety concerns for left turning traffic coming out from Eastgate Dr, SE. The proximity of this intersection to the existing traffic signal at TH 14 and Marion Road also warrants some improvements. The Long Range Thoroughfare Plan identifies TH 14 east as upgraded expressway. Expressways are designed to be limited access roads. Due to increased traffic volume coming out from Eastgate Dr and land use changes taking place in the southwestern quadrant, It is anticipated that the existing Eastgate access may be considered for right-in/right-out only and median may be closed for through and left turning traffic. 																		
City	Preliminary Plat # 03-26 by Dallas M. Backhaus and Donna Rae Mann known as Wildwood Meadow	<ul style="list-style-type: none"> The plat includes 60 feet of right of way for 20th St SE, which will provide adequate right of way for a collector street and a detached trail. Dedication of controlled access will be required for the entire frontage of 20th Street SE, with the exception of proposed local street access. 																		
City	GDP # 214 of Willow Creek Commons.	<ul style="list-style-type: none"> Proposed development of the site is anticipated to include 250,000 square feet of commercial/industrial building area on the east half of the parcel, with future phases that may potentially include an additional 50,000 to 350,000 sq. ft of commercial/industrial development. Current Traffic Volumes and Projected Traffic Forecasts show: <ol style="list-style-type: none"> Average daily traffic of 21,100 on TH 63 south of 40th St in 2000. The projected traffic in the year 2025 is approximately 42,600 vehicles per day. The average daily traffic volumes on 40th street SW west of TH 63 is 6,675 in 2000 and projected to be 19,420 in the year 2025. The average daily traffic volumes on 48th street SW west of TH 63 was 969 in 2000 and is projected to be 11,744 in the year 2025 As part of the planning and design work for the improvements to Highway 63 that are now beginning, a detailed traffic study of TH 63, 40th St and 48th St was completed in 2001. The Traffic Technical Memorandum for Trunk Highway 63/North Willow Creek Study Area, prepared by Edwards and Kelcey, Inc reflected the potential for significant additional development in the Willow Creek Study Area as shown in the following table: <table> <tr> <th colspan="3">Table 1: Willow Creek Study Area Land Use</th></tr> <tr> <th>Land Use</th><th>Existing</th><th>Projected by Year 2025</th></tr> <tr> <td>Residential (units)</td><td>560</td><td>1,300</td></tr> <tr> <td>Commercial/Retail (sq ft.)</td><td>140,000</td><td>1,650,000</td></tr> <tr> <td>Industrial (sq ft.)</td><td>290,000</td><td>740,000</td></tr> <tr> <td>Service/Office (sq ft.)</td><td>220,000</td><td>885,000</td></tr> </table> 	Table 1: Willow Creek Study Area Land Use			Land Use	Existing	Projected by Year 2025	Residential (units)	560	1,300	Commercial/Retail (sq ft.)	140,000	1,650,000	Industrial (sq ft.)	290,000	740,000	Service/Office (sq ft.)	220,000	885,000
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TRANSPORTATION DEPT.

TRANSPORTATION STAFF
DEVELOPMENT APPLICATIONS REVIEW DATABASE - 2003

129

Jurisdiction	Application	Comments
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		<p>Creek Study area. For the subarea including the Willow Commons area, land use projections are shown in table 2.</p> <p>Table 2: Traffic Analysis Zone 233 (Willow Creek Commons)</p> <table border="1"> <thead> <tr> <th>Land Use</th><th>Existing</th><th>Projected by Year 2025</th></tr> </thead> <tbody> <tr> <td>Residential (units)</td><td></td><td></td></tr> <tr> <td> Single Family</td><td>1 Units</td><td>80 Units</td></tr> <tr> <td> Multi Family</td><td>0 Units</td><td>170 Units</td></tr> <tr> <td>Commercial sq ft.</td><td>0 Sq. ft.</td><td>260,000 Sq. ft.</td></tr> <tr> <td>Service/Office (sq ft.)</td><td>0 Sq. ft.</td><td>250,000 Sq. ft.</td></tr> <tr> <td>Hi-Int Retail</td><td>0 Sq. ft.</td><td>6,400 Sq. ft.</td></tr> <tr> <td>Shopping Center</td><td>0 Sq. ft.</td><td>360,000 Sq. ft.</td></tr> </tbody> </table> <ul style="list-style-type: none"> • The level of intensity in the proposed Willow Creek Common's development is consistent with the assumptions used in the prior TH 63 studies, and based on that we find the proposed improvements to 40th St, 48th St and TH 63 to be completed as part of the improvement plan for 63 South will be adequate to handle projected traffic from the proposed development. • The location of the access point onto 40th Street has been fixed by the TH 63 traffic analysis • Additional traffic review may need to be provided at the time of site plan submittal for the specific development of parcels within the boundaries of the GDP if the proposed interchange improvements at the 40th St intersection have not been completed. This analysis would need to look at what interim measures would be needed to manage access traffic during the period prior to construction of the 40th St interchange. • Within the boundaries of the GDP, as sites are developed taking access to the proposed West Frontage Road, traffic design analysis may be required to assist in determining proper lane needs, spacing and traffic control for proposed access points. • The proposed West Frontage Road is designated as a collector street on Thoroughfare Plan and will require dedication of right of way as per the City Roadway Standards at the time of platting. • The ROCOG Long Range Bicycle Plan identifies future bike path facilities along 40th ST SW and 48th St SW, which will be constructed as part of the TH 63 improvements between Highway 63 and 11th Ave SW. If the area west of the proposed Willow Creek Commons is being considered for future residential use as noted on the GDP plan, consideration should be given to providing internal bicycle path links to the trails on 40th and 48th St in the future 	Land Use	Existing	Projected by Year 2025	Residential (units)			Single Family	1 Units	80 Units	Multi Family	0 Units	170 Units	Commercial sq ft.	0 Sq. ft.	260,000 Sq. ft.	Service/Office (sq ft.)	0 Sq. ft.	250,000 Sq. ft.	Hi-Int Retail	0 Sq. ft.	6,400 Sq. ft.	Shopping Center	0 Sq. ft.	360,000 Sq. ft.
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City	Zoning Amend #0315																									
City	Annex Det #0321																									
City	FD #0303																									

130



we pledge, we deliver
August 7, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: General Development Plan #214 by Frank Kottschade to be known as Willow Creek Commons.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. The area below elevation 1080 is within the Main Level Water System Area, which is currently available along the west side of Hwy 63 along the north end of this property. This water main however must be relocated to the west around the proposed pond as a part of the 40th Street interchange. The proposed frontage road as shown would be the ideal place for the relocated water main as it would be then available to provide direct service to this property. We would like to coordinate the alignment of this water main relocation with the developer.
2. The area that will remain above elevation 1080 is within the Airport Intermediate Level Water System Area, which will be made available to this property with the development of the West 80 property to the south. Coordination with West 80 and final grade determination on the westerly property is crucial to provide adequate service to this area for fire protection and water quality.
3. Static water pressures within the Main Level Area at elevation 1080 will range from 37 to 41 PSI. Static water pressures within the Intermediate Level Area at elevation 1080 will be approximately 87 PSI.
4. The water main in any cul-de-sac street must be looped and water mains must be extended to adjacent properties per our requirements.
5. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this entire area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

A handwritten signature in black ink that reads "Donn Richardson". The signature is written in a cursive, flowing style.

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention
Gale Mount, Building & Safety
Frank Kottschade, Willow Creek Commons, LLC
RLK Kuusisto LTD



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060
2900 48th Street N.W.
Rochester, MN 55901-5848

Office Tel: 507-280-2913
Fax: 507-285-7355
E-mail: dale.maul@dot.state.mn.us

August 11, 2003

Jennifer Garness
Rochester-Olmsted Planning Department
2122 Campus Drive SE – Suite 100
Rochester, MN 55904

Re: General Development Plan #214 by Frank Kottschade to be known as the Willow Creek Commons. The applicant is proposing to develop approximately 69 acres of land with a variety of land uses consisting of commercial and industrial uses. The property is located along the south side of 40th Street and along the west side of US Highway 63. US Highway 63 CS 5509

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above General Development Plan #214 by Frank Kottschade. This proposal is acceptable to Mn/DOT providing any additional run-off be maintained within the property and not onto Mn/DOT's right of way.

Thank you for keeping Mn/DOT informed. You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you have.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dale E. Maul'.

Dale E. Maul
Planning Director

132

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: GDP #214, Willow Creek Commons

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☒ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: August 4, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Rochester Fire Department

SUBJ: General Development Plan #214 by Frank Kottschade to be known as Willow Creek Commons. The applicant is proposing to develop approximately 69 acres of land with a variety of land uses consisting of commercial and industrial uses.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
Willow Creek Commons, LLC
RLK Kuusisto LTD

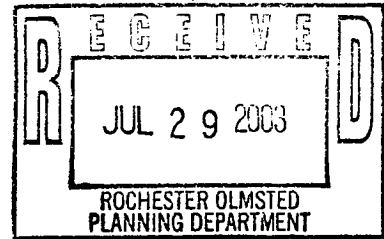
134

Project Narrative

Willow Creek Commons - Rochester, MN

Prepared By:
RLK-Kuusisto, Ltd.
July 28, 2003

For
Type III Phase II
General Development Plan Application



Purpose:

This application for General Development Plan (GDP) approval has been prepared for the property at the southwest quadrant of TH 63 and 40th Street SW in accordance with Section 62.1100. The application is being submitted in conjunction with a Conditional Use Permit (CUP) application for substantial land alteration, a CUP application for construction in the floodway and flood fringe districts and a CUP application for construction in the shoreland district.

The owners desire to determine the impact of the condemnation by the Minnesota Department of Transportation. The "taking" resulted in the subject tract and the lands to the West, which border East and South of Willow Creek, losing their flood free access to 40th Street Southwest. The new access will be through the flood plains, floodway and shoreland district, which will require filling. Should the owners not be able to fill in the flood fringe/ floodway and construct a road access, approximately 120 acres would become land locked, that is to say, no access unto a public road.

Project Area: ± 69 acres

Project Team:

Developer:

Willow Creek Commons, LLC
3800 Highway 52 North
Rochester, MN 55901
Phone: 507-287-0909
Fax: 507-288-0658

Contact: Frank Kottschade

Civil Engineer/ Landscape Architect:

RLK-Kuusisto, Ltd.
6110 Blue Circle Drive, Suite 100
Minnetonka, MN 55343
Phone: 952-933-0972
Fax: 952-933-1153

Michele Jackson Caron, PE, Project Manager/ Engineer
John Dietrich, ASLA, Principal Landscape Architect

135

Existing Zoning: M-1 Mixed Commercial-Industrial

Existing Site Use: Agricultural / cropland and pasture; permitted mining operations

Summary of Proposed Development:

Current plans for the development include approximately 250,000 square feet of commercial/ industrial building area on the east half of the parcel located in the southwest quadrant of Trunk Highway 63 (TH 63) and 40th Street SW. Future phases of development may potentially include an additional 50,000 to 350,000 square feet. The initial development does not exceed thresholds that would trigger and environmental review. At such time in the future as required due to a level of proposed development on the project, an Environmental Assessment Worksheet or related document will be prepared.

A public frontage road, identified in the City of Rochester transportation plan as Commercial Drive SW, is proposed along the east property line, that will connect 40th Street SW and 48th Street SW. The Developer has been working with the West 80 Development on the south to coordinate site planning, frontage road construction and to provide a location for disposition of part of the excess soil material that will result from earthwork operations on the West 80 Development project.

The GDP will be bounded by the proposed MnDOT condemnation area associated with the 40th Street improvements, storm pond construction and dike construction. This area is identified on the GDP for reference. Until the MnDOT improvements are completed and the floodway and flood fringe modifications are made in accordance with the approved Conditional Letter of Map Revision (CLOMR) submitted by MnDOT, portions of the GDP are within the existing floodway and floodplain. Conditional Use Permit applications are being submitted concurrently with this GDP for construction of a portion of the frontage road within the floodway, and for fill within the floodplain.

Conditional Use Permit applications are also being submitted for Substantial Land Alteration, for a quantity of material greater than 100,000 cubic yards and greater than 10 feet in vertical change, and for Shoreland impacts along the south side of Willow Creek.

Past Site Use and History:

The 69 acre tract is owned by four (4) individual owners consisting of:

1. Willow Creek Commons, LLC
2. SJC Properties, LLC
3. B & F Properties, LLC
4. Franklin P. Kottschade

The 69 acre tract was originally a part of the "Cote Farm" property that encompassed approximately 218 acres. Currently the land is being used for mining extraction and agricultural purposes.

In 1983 the City of Rochester initiated annexation of the portion of the Cote property lying within Willow Creek Sanitary Sewer District as well as other lands within the sewer district.

The property came into the City zoned R-1, which was consistent with the Adopted Land Use Plan for the Rochester Urban Service Area of low density residential.

In 1994, Franklin P. Kottschade applied for a Land Use Plan amendment to change the designation to "commercial" for the said tract. In 1995, the Planning and Zoning Commission and the Common Council took action to deny this request and thus limiting the use of the site for low density residential purposes.

134
Subsequently, a request to change the Land Use and Zoning on 81.75 acres (including this tract) to "industrial" with an M-1 Zone was approved by the Common Council on November 4, 1996.

Assessment of Site Conditions and Project Impacts:

The following summary is provided in accordance with Appendix B, Paragraph E of the City of Rochester Zoning Ordinance and Land Development Manual:

The site has a change in topography of over 100 feet, from the hill in the southwest corner of the site to the low area within the floodway on the north. The project proposes to grade the site in phases that balance cut and fill quantities, resulting in a site development that meets building pad requirements above the existing flood elevation and provides a developable site for commercial/ industrial uses. According to the geotechnical report (attached), the underlying site soils are capable of supporting foundation loads and are well suited for the proposed frontage road subgrade. The existing layer of topsoil over the site and any organic materials in the floodplain areas will be removed prior to grading and fill operations.

On-site storm drainage design for the project is anticipated to be typical of commercial/ industrial sites. The drainage concept for the project includes routing the surface runoff into one or a number of storm ponds designed to meet code requirements and encompass typical drainage measures. The site drainage will be designed to be compatible with the proposed drainage improvements and floodplain modifications included with the proposed 40th Street improvements and TH 63 overpass to be completed by MnDOT in the future.

Public water and sanitary sewer utilities are located within the project area along the east boundary, adjacent to the TH 63 right of way that have capacity for the proposed development.

Erosion and sediment control measures have been proposed that will be implemented during each phase of grading and construction. There are no erosion problems anticipated with the project.

The project may be phased, depending upon market conditions and on-going negotiations with prospective tenants.

Attachments:

General Development Plan
Geotechnical Report

137



Engineering · Planning · Surveying · Landscape Architecture

MEETING MINUTES

Date: August 14, 2003

To: Brent Svenby, Rochester Olmsted Planning Department Via fax: 507-287-2275

Cc: Frank Kottschade, North American Realty Via fax: 507-288-0658
Michele Caron, RLK-Kuusisto, Ltd.
Vern Swing, RLK-Kuusisto, Ltd.
Chris Carda, RLK-Kuusisto, Ltd.

Prepared By:
John Dietrich, ASLA

Prepared On:
August 27, 2003

Re: Minutes of August 14, 2003 Neighborhood Meeting
Willow Creek Commons General Development Plan
RLK-Kuusisto, Ltd. Project No. 2003-306-M

On August 14, 2003, Michele Caron, P.E. and John Dietrich, ASLA of RLK-Kuusisto, Ltd. held a neighborhood meeting at the Willow Creek Commons site. RLK prepared the meeting notice, which was distributed to property owners on both sides of Trunk Highway 63 and 40th Street by the Rochester Olmsted Planning Department via U.S. mail.

The meeting was held at 6:30 p.m. on the site. A sign-in sheet was circulated and between 6:30 and 7:30 p.m. three individuals arrived to ask questions and gain information. A copy of the sign-in sheet is attached. A questionnaire was also distributed to each participant to allow participants to make comments after the meeting and send them to RLK. As of today, no comments have been received.

The meeting was an open house setting with exhibits of the General Development Plan (GDP) and the GDP superimposed on an aerial photograph. RLK discussed the GDP and its intent to identify an area of proposed development and how it will fit into the future network of MnDOT improvements, the West 80 Development and the proposed frontage road between West 40th and 48th Streets. The plans identified MnDOT's proposed "take" areas and MnDOT's responsibility to construct the 40th Street interchange as well as placement of the frontage road access at 40th Street. Protection of the trees paralleling Willow Creek, northwest of the GDP was shown. How the GDP will eventually blend into the south side of the dike being constructed by MnDOT was also identified on the plans.



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No direct access to TH 63 is proposed. All access to the site will be via a frontage road paralleling TH 63, which will enable the City to have access to the existing sanitary sewer and watermain along the west side of TH 63.

Neighborhood meeting participants included a representative of the commercial property to the north, a residential property owner east of TH 63 and a residential property owner on Willow Court. Concerns raised at the meeting have been summarized as follows:

- Q. What is the timing of the TH 63 improvements at 40th Street?
A. Improvements are scheduled to begin in 2004.
- Q. Historically, the area has flooded during major events; what is being done to address this?
A. MnDOT has prepared hydrologic models and has allowed for flood storage for the proposed roadway/interchange improvements. The GDP will provide stormwater ponds as necessary to meet all agency requirements. GDP grades will tie into the MnDOT's proposed elevation along 40th Street and the dike.
- Q. What is being proposed on the 69-acre site?
A. No specific site development has been identified at this time. A commercial/industrial land use is anticipated and is permitted in the M-1 zoning district. Once the property owners arrive at securing an end user for the site, a detailed site development application will be submitted and reviewed per City requirements. There will be numerous opportunities to voice opinions on the future development of Willow Creek Commons; however, please note that the GDP defines the built edges of the project and public roadway connection points
- Q. Will grading/blasting occur on the site, and if so, when?
A. A second round of applications for a conditional use permit (CUP) and a substantial land alteration permit have been submitted for the project. These applications describe the phases of grading, volume of material to be moved, and cut and fill depths. Depending on specific soil investigation information, blasting may occur at the southwest corner of the site. Additional approvals from City/State agencies will be necessary for the GDP, CUP and substantial land alteration permits to proceed. The adjacent West 80 Development is currently under review for blasting approval.
- Q. What is proposed along 40th Street, west of Willow Creek?
A. This area is outside of the GDP and is not being considered for development at this time. This area along 40th Street is zoned R-2 while the GDP area is zoned M-1.
- Q. Are maps of the GDP available?
A. Upon verifying map availability with the property owner, GDP maps were mailed to all who had requested maps.



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- Q. When will the GDP be heard at the City?
A. A request for approval of the General Development plan for Willow Creek Commons is on the August 27, 2003 Planning Commission agenda.

In summary, participants attended the neighborhood meeting to see what was proposed. RLK provided a chance for property owners to have a dialog on the GDP and how it will generally fit into the future transportation network. Hosting the meeting at the project site greatly assisted in addressing questions, as locations/landmarks could be seen and the General Development Plan could be visually described.

These minutes represent the best recollection of the discussion held. If there are questions, clarifications, revisions or additions required, please contact John Dietrich at RLK as soon as possible.

Attachments:

- Neighborhood Meeting Notice
- Neighborhood Meeting Sign-In Sheet
- Neighborhood Meeting Comment Form (blank)

G:\Willow Creek Commons LLC\2003-306-M\Correspondence\Meeting & Phone Minutes\Meeting Minutes 08-14-03 Neighborhd Mtg.doc

Page 3 of 3

Offices: Hibbing · Minnetonka · St. Paul · Twin Ports

(952) 933-0972 · 6110 Blue Circle Drive · Suite 100 · Minnetonka, MN 55343 · FAX (952) 933-1153

11. This Plat does not constitute specific site plan approval or approval of dwelling placement. This property is subject to Shoreland and Floodplain regulations, in addition to standard zoning regulations of the Rochester Zoning Ordinance and Land Development Manual. The placement of all dwellings shall meet the setback or development standards of the Shoreland District.
12. An alternative street design for Wildwood Lane SE is required to address modifications to Wildwood Lane SE, that would be required if the Floodway Line is not modified to accommodate development as proposed on the preliminary plat.
13. Approval of the preliminary plat is contingent upon the applicant receiving a LOMR from FEMA for the floodway and flood prone district on the property. Also, the applicant shall receive a conditional use permit for any proposed filling within the floodprone district. The Conditional Use Permit must be obtained prior to a final plat submittal for the property. If a LOMR is not approved by FEMA, the plat shall be revised to remove all residential development from the floodway.
14. The applicant shall submit to the City for review and approval a Delineation Plan for a Wetland Boundary of this plat.

General Development Plan #214 by Frank Kottschade to be known as Willow Creek Commons. The applicant is proposing to develop approximately 69 acres of land with a variety of land uses consisting of commercial and industrial uses. The property is located along the south side of 40th Street and along the west side of TH 63.

Mr. Brent Svenby presented the staff report, dated August 22, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that he received a fax and email on Friday of where the stormwater detention facilities would be located, which would need to be platted as outlots.

Discussion ensued regarding staff-recommended condition number 9. It was stated that the proposed use for each lot could trigger a traffic analysis.

The applicant's representative, Mr. John Dietrich, of RLK Kuusisto, addressed the Commission. He stated that the applicant is in agreement with the 12 staff-recommended conditions.

Mr. Haeussinger asked what types of potential uses would be used on the property.

Mr. Dietrich responded they could be retail in nature and also of a light industrial or office use.

Mr. Haeussinger stated that the applicant attempted to put a temporary asphalt plant on the site previously. He asked if the project is still being looked at by the applicant.

Mr. Dedrick responded that he was not aware of it.

Mr. Haeussinger explained that the Commission does not want an application before them for the asphalt plant.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Ohly moved to recommend approval of General Development Plan #214 by Frank

141

Kottschade to be known as Willow Creek Commons with the staff-recommended findings and conditions. Mr. Dockter seconded the motion. The motion carried 8-0.

CONDITIONS:

1. The General Development Plan shall be revised as follows, and a revised Plan shall be filed with the Planning Department:
 - ❖ Stormwater Management facilities must be shown and platted as outlots when platted.
 - ❖ The "Alternate Drive" indicated at the south end of the Property should intersect perpendicular with the frontage road.
2. Prior to Final Plat submittal, Site Development Plan approval, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements, access control, pedestrian facilities, extension of utilities, and contributions for public infrastructure.
3. Stormwater Management facilities must be shown on the GDP. The MnDOT stormwater pond proposed for the southwest quadrant of T.H. 63 & 40th St SW has not been sized to accommodate post development stormwater flows from this Property. The development proposed will need to comply with City Land Development Standards for managing post development stormwater runoff quantities and quality. Any privately constructed detention facilities that serve less than 50 developable acres shall remain private, be platted on a separate Outlot(s), and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval / and or development of the Property.
4. At the time of platting, controlled access will need to be dedicated along TH 63, 40th St SW and the frontage road, except for the street/driveway openings approved with the plat(s). Prior to the submittal of the preliminary plat, the amount of right-of-way needed for the frontage road will need to be determined by the City Engineer.
5. Development of this property is dependent on roadway improvements to 40th St SW, or the connection of the frontage road to 48th St SW, to provide adequate public infrastructure (streets) to serve the proposed use of the property. Interim measures may need to be completed to manage access traffic during the period prior to the construction of the 40th Street interchange based on additional traffic review.
6. Construction of a temporary turnaround, and dedication of a temporary easement will be required at the southerly extent of the proposed frontage road, unless development of this Property occurs concurrent or after development of the property to the south (West 80 Development).
7. All direct access to all lots within this development shall be from the proposed frontage road, or other internal roadways constructed to serve this development. The driveway spacing for access to the frontage road is subject to approval by the City Engineer based on the proposed use of individual lots and the functional classification of the frontage road as a collector roadway. There shall be no direct access to T.H. 63. Access to 40th St SW shall be limited to the public frontage road.
8. Pedestrian facilities will be required along the entire westerly frontage of the proposed frontage road and those portions along the east side of the frontage road with developable frontage, the entire frontage of 40th St SW, and both sides of all new public streets constructed within the development.

9. Traffic design analysis may be required at the time site development to determine lane needs, spacing and traffic control for access points.
10. Watermain extension and connections must be provided as required by RPU.
11. Development of the property in floodway and flood prone districts is subjected to the regulations of Section 62.800 (Flood District and Intent) of the Land Development Manual. The property is also subject to the shoreland regulations of Section 62.1000.
12. The portion of the GDP shown on the West 80 Development is subject to the applicant acquiring that property.

OTHER BUSINESS:

1. Text Amendment for Residential Parking

Mr. John Harford presented the staff report, dated August 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Alfredson asked how many violation notices they send a week. This would indicate how many reviews there possibly could be.

Mr. Harford responded one a week. He stated that most of the problems occur in the older neighborhoods (ex. Kutzky Park) where homes shift from single family to multifamily housing.

Mr. Ohly stated that 50 applications a year could be processed. He indicated that the Rochester Zoning Board of Appeals would be better suited to review them.

Mr. Harford explained that some of the possible 50 applications could meet the requirements and come into conformance. Only a portion of the applications would go through the "alternative review" process.

Mr. Haeussinger stated that the staff should review the applications, as they have the background necessary. If the applicant is unhappy about the review, they could appeal the decision and go before the Rochester Zoning Board of Appeals.

The rest of the Commission agreed.

2. Initiate Amendment to Section 64.132 of the Land Development Manual

Mr. Brent Svenby presented the staff report from Phil Wheeler, dated July 25, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The Commission indicated that the language presented in the memo was not straight forward enough and needed to be changed.

Ms. Petersson moved to initiate a text amendment to Section 64.132 of the Land Development Manual regarding private wells and septic systems for new development. Mr. Staver seconded the motion. The motion carried 8-0.